

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor : Steven Bathiche et al.  
Appln. No.: 09/251,519  
Filed : February 17, 1999  
For : TWO-HANDED COMPUTER INPUT  
DEVICE WITH ORIENTATION  
SENSOR  
Docket No.: M61.12-0101

Group Art Unit: 2675

Examiner: S/S Kumar  
PATENT & TRADEMARK  
OFFICE

#251 Reg For  
Refund  
01-14-04

REQUEST FOR REFUND  
(37 C.F.R. 1.26)

Mail Stop 16  
Director of the U.S. Patent and  
Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
SENT BY U.S. MAIL, FIRST CLASS, TO THE  
DIRECTOR OF THE U.S. PATENT AND TRADEMARK  
OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-  
1450, THIS

31<sup>st</sup> DAY OF December, 20 03.

*Shamek R. Langley*  
PATENT ATTORNEY

Sir:

This request for refund is made as a result of a mistaken fee paid on May 9, 2003 in an amount of \$320.00 and a mistaken fee paid on July 8, 2003 in an amount of \$320.00.

On March 15, 2002 a Notice of Appeal (see attached Exhibit A) and a check (see attached Exhibit B) in the amount of \$1,130.00 were mailed in the above-identified case. Of the total amount in the check, \$320.00 of it was designated for a Notice of Appeal fee. On June 13, 2002 an Appeal Brief and PTO-2038 (see attached Exhibit C) were mailed. Of the total PTO-2038 amount of \$430.00, \$320.00 of it was designated for the Appeal Brief. On September 11, 2002 we received a Non-Final Office Action with an explanation that the Examiner had withdrawn finality and rejected all pending claims with a new ground of rejection. Following another final rejection issued by the Examiner on February 11, 2003 we filed another Notice of Appeal on May 9, 2003 with a check (see attached Exhibit D) in the amount of \$320.00. On July 8, 2003, another

PATENT EXHIBIT  
DATE

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Appeal Brief was filed with a check (see attached Exhibit 1) for the amount of \$320.00.


According to M.P.E.P. §1208.03 "if prosecution was reopened prior to a decision on the merits by the Board of Patent Appeals and Interferences, the fee paid for the Notice of Appeal, Appeal Brief, and request for oral hearing (if applicable) will be applied to a later appeal on the same application." Therefore, the Applicant has mistakenly paid fees of \$320.00 for the Notice of Appeal on May 9, 2003 and \$320.00 for the Appeal Brief on July 8, 2003.

It is respectfully requested that a refund in the amount of \$640.00 be made. Please make the refund by crediting account number 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:

  
Leanne R. Taveggia, Reg. No. 53,675  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

LRT/jme

PATENT MAINTENANCE  
DUE

EXHIBIT

A

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First Named  
US PATENT & TRADEMARK  
OFFICE : Steven Bathiche et al.

Appln. No.: 09/251,519

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For : TWO-HANDED COMPUTER INPUT  
DEVICE WITH ORIENTED SENSOR

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Examiner: S. Kumar

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

DOCKETED	5-15-02
RESPONSE DUE	5-15-02
CALENDARED	5-15-02
CHECKED BY ATTY	5-15-02

Assistant Commissioner for Patents  
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS PAPER IS  
BEING SENT BY U.S. MAIL, FIRST CLASS, TO  
THE ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, D.C. 20231, THIS

15<sup>th</sup> DAY OF March 2002  
*Joseph K. Kelly*  
PATENT ATTORNEY

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed September 17, 2001, finally rejecting claims 1-20, 22 and 23.

**FEE STATUS**

☐ Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

**FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$320.00  
☐ small entity \$160.00

**EXTENSION OF TIME**

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months checked below:

PATENT AND TRADEMARK  
DIVISION

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US PATENT & TRADEMARK OFFICE	Extension (months)	Fee for other than small entity	Fee for small entity
	[ ] one month	\$ 110.00	\$ 55.00
	[ ] two months	\$ 400.00	\$200.00
	[X] three months	\$ 920.00	\$460.00
	[ ] four months	\$1,440.00	\$720.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[X] An extension for one month has already been secured and the fee paid therefor of \$110 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$810

or

(b) [ ] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$320

Extension fee (if any) \$810

**Total Fee Due \$1130.00**

**FEE PAYMENT**

[X] A check in the amount of \$1130.00 is attached.

[ ] Charge Deposit Account No. 23-1123, the sum of \$.

The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to

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Deposit Account No. 23-1123.  
communication is enclosed.

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US PATENT & TRADEMARK  
OFFICE

Respectfully submitted,  
WESTMAN, CHAMPLIN & KELLY, P.A.

By. *Charles P. Kelly*